

Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2

OGC Has Reviewed

TEAA - FITNESS ROOM
CHRONO

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NASA

3. AUTHORITY

- a. Bureau of the Budget (OMB) Circular A-72.
- *b. Public Law 91-596, Occupational Safety and Health Act of 1970, as amended.
- c. Executive Order 11612, Occupational Safety and Health Programs for Federal Employees.
- d. Public Law 79-658, 5 U.S.C. 7901.
- e. 31 U.S.C. 483a.
- f. FPM Chapter 792, Federal Employee Occupational Health Programs.

4. DEFINITION

Occupational medicine is devoted to the maintenance and improvement of the health of employees with emphasis on the prevention, diagnosis, treatment, and care of illnesses and injuries caused or aggravated by the work environment. This includes studies directed toward a better understanding of the causes and mechanisms of prevention and care as related to the NASA employee population.

5. POLICY

- *a. Program Orientation. Employee health programs shall reflect the requirements of the population they are to serve. The

*Changed by this revision

Strict legislative guidelines govern what can and cannot be done in relation to the operation of employee health/fitness programs within the Federal Government.

Section 7901(a) of Title 5, United States Code, provides that:

The head of each agency of the Government of the United States may establish, within the limits of appropriations available, a health service program to promote and maintain the physical and mental fitness of employees under his jurisdiction.

Such programs may be established by contract or otherwise and are limited to certain constraints, among them that they be "preventive programs relating to health." (5 U.S.C. § 7901).

Circular Number A-72 from the Office of Management and Budget (June 18, 1965) states:

The health and fitness of Federal employees for efficient performance of their assigned work is an important element in a progressive personnel management system and in effective administration of Federal programs. The head of each department and agency, therefore, will review existing programs and is authorized and encouraged to establish an occupational health program to deal constructively with the health of the employees of his department or agency in relation to their work.

Regulations of the General Services Administration (GSA) favor the concept of funded, inter-agency health/fitness programs to maximize existing facilities. The GSA "Guidelines for Establishment of Physical Fitness Facilities in Federal Space," published in the Federal Register, (Vol. 43, No. 233 - Monday, December 4, 1978) states:

"most. . . requests (for the establishment of small in-house physical fitness facilities) are denied on the grounds that these facilities are too costly for the limited number of employees that would use them or because there is no specific program that assures long term use. . . however GSA recognizes. . . a concern for the physical well-being of Federal employees and . . . has developed guidelines, for the establishment of physical fitness facilities within . . . federally controlled space. (Emphasis supplied)

These "guidelines" require, among others:

- . A medical orientation, including screening procedures, individualized exercise programs, identification of high-risk individuals, and appropriate followup activities;
- . Provision for the establishment of a professional staff which would work under the supervision of the medical unit;
- . An approach which will consider key health behavior related to degenerative disease, including smoking and nutrition;
- . Provision for equal opportunities for men and women, and all full-time employees, regardless of grade level.

Only large highly organized programs with extensive space and sufficient exercise equipment can meet these specifications.

The United States Department of Health and Human Resources states in its publication Forward Plan for Health FY 1978-82 (August 1976):

Last year's Prevention Theme stressed the importance of physical fitness and encouraged places of work to provide facilities and time for employees to participate in individual and group physical fitness activities.

The experience of the President's Council confirms that such on-the-job programs of regular, vigorous exercise can make an important contribution to the health, well-being, and productivity of working people while reducing the human and financial cost of physical degeneration.

There has been an encouraging growth of such programs in public agencies and private companies throughout the country.

Since authority exists for Federal agencies to promote and maintain the physical fitness of their employees, the PHS strongly supports the Council's recommendation that all branches and departments of the Federal Government provide their employees with time and facilities for regular, vigorous physical activities. (Emphasis supplied)

The Policy Statement of the President's Council on Physical Fitness and Sports, Physical Fitness Program for Federal Employees

(October 23, 1973) says:

It is hereby recommended by the President's Council on Physical Fitness and Sports that heads of agencies in the Federal Government recognize the importance that the contributions of regular exercise can make to job performance as well as employee health and do whatever (is) in their power to make provisions for Federal employees to participate in either on-the-job exercise programs or exercise programs after duty hours. Exercise rooms, showering and dressing facilities should be provided wherever feasible.

The President of the United States, in his Executive Order 11807 of September 28, 1974, stated that:

As the nation's largest employer, the Federal Government has a special obligation to set an example for all employees by providing for a safe and healthful working environment for its employees.

In an address given at the National Conference on Physical Fitness and Sports for All (February 1, 1980), the President said:

I consider organized physical fitness and the programs associated with them to be the best possible investment in American health. Everything we do to make Americans more physically fit pays off handsomely . . . it cuts medical bills, it helps our people to live longer, and it adds to the quality of each day of life that we live.

Today (2/1/80) I am directing Governor Apodaca and the President's Council on Physical Fitness to do several things that might enhance the results that we have already achieved with this great program, to take a number of steps to upgrade our nation's physical fitness program (among them) to urge all employers through personal messages from me . . . to make facilities available for employee fitness programs, (and) to encourage all Federal departments and agencies to support physical fitness programs . . . (emphasis supplied) Governor Apodaca knows that I am very eager to give him all the backing he needs in carrying out these steps and particularly in the Federal Government.

As a matter of policy, stated by the Executive Order 11491, as amended, the Federal Government recognizes that the well-being of employees and the efficient administration of Government are benefited by providing employees with an opportunity to participate in the formulation and implementation of personnel policies and practices affecting the conditions of their employment . . . including presentation of its (sic.) views to the executive branch, the Congress, or other appropriate authority. It is therefore well within the legal authority of individual employees interested in improving and maintaining a high level of health/fitness, through an agency sponsored and endorsed on-site program, to organize and present their views to management.

Sedentary office routines are a serious occupational health problem whose predictable consequences include cardiovascular disease, low back problems, premature aging, hypertension, and chronic fatigue. Morbidity and mortality statistics indicate that premature disabilities are now more common among office workers and executives than policemen and firemen.

Habitual inactivity has been identified by the U. S. Public Health Service's Forward Plan as a "serious national health problem" directly related to the alarming rates of coronary heart disease, hypertension, obesity, lower back problems, and other muscular difficulties. Though much remains to be learned, the Public Health Service believes that the available evidence is inclusive: fitness is an inexpensive, effective answer to the health problems of sedentary living.

The human and pecuniary costs of unfitness are staggering. Outlays for insurance benefits, sick leave, and disability payments constitute a large portion of Government personnel costs. The hidden costs of chronic fatigue, absenteeism, avoidable health problems, and premature retirements are equally great. Absenteeism alone costs the Executive branch more than 24 million work days and \$1.1 billion every year.

In an 18-month, \$175,000 study, (ending November 1, 1978) the U. S. Chamber of Commerce found that employee health costs were rising at twice the rate of wages, and that they will double in five years and quadruple in ten years. Their first and foremost recommendation to employers seeking cost containment strategies was the establishment of:

. Physical fitness programs among employees, along with nutrition and health screening efforts. ¹

¹
Alice Bonner, "Employers Urged to Wield Health-Cost Clout", the Washington Post, November 1, 1978, n. p.

According to Ammunition, a publication of the United Automobile Workers, medical care costs have risen by 700% in the past twenty years - from \$78 per person annually to \$547. This is twice the increase in the rate of inflation for the same period, with doctor's fees rising 49% faster and hospital charges 105% faster than other consumer items. In the past ten years, hospital care costs have tripled to an average \$113 per day now, from \$37, with the cost of an average hospital stay now at \$885. 2

By acting now, the Federal Government can point the way for all employers while contributing to the health and well-being of more than 2.5 million men and women in the federal service. The recommendation that health/fitness programs be set up in the workplace, novel as it may appear, is only an extension of the Nation's historic commitment to occupational health, a commitment most recently affirmed by the Occupational Health and Safety Act of 1970.

Authority for the transfer of money between agencies for the provision of health/fitness programs and services exists under 31 U. S. C. 686 (Purchase of supplies, equipment or services by one government bureau or department from another government bureau or department).

2
World of Work Report, Work in America Institute, Inc.,
October, 1977, p. 119.

Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned (31 U.S.C. § 686 (a)). (Emphasis supplied).

Amounts paid as provided in subsection (a) of this section shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations of funds against which charges have been made (31 U.S.C. § 686 (b)).

Legislation exists which extends liability coverage to employees participating in an in-house Government sponsored health/fitness program.

The general guidelines for liability in the workplace indicate that any Government employee acting within the scope of his/her employment would be covered by the Federal Employees Compensation Act (FECA), for injuries sustained during participation in such activities when the health/fitness program comes within the scope of employment. The ECAB stated in Stephen M. Greenleigh, 23 ECAB 53 (1971), that the proper legal criteria to be used are correctly set forth in Larson, Workman's Compensation Law:

Larson states that (health/fitness) activities are in the course of employment when:

- (1) They occur on the premises during a lunch or recreation period as a regular incident of the employment; or
- (2) The employer, by expressly or impliedly requiring participation, or by making the activity part of the services of an employee, brings the activity within the orbit of the employment.
- (3) The employer derives substantial direct benefit from the activity beyond the intangible value of improvements in employee health and morale that is common to all kinds of recreation and social health.

Larson, in discussing the principles and cases upon which the three tests are based, states that these are

three independent links . . . by which recreation (health/fitness) can be tied to the employment, and if one is found, the absence of the others is not fatal.

With respect to the time and place of the health/fitness activity,

Larson comments,

when seeking for a link by which to connect an activity with the employment, one has gone a long way as soon as one has placed the activity physically in contact with the employment environment, and even further when one has associated the time of the activity somehow with the employment.

Where this is the situation,

the exact nature and purpose of the activity itself does not have to bear the whole load of establishing work connection, and consequently the employment-connection of that nature and purpose does not have to be as conspicuous as it otherwise might.

Precedent has even been established within the Federal Government for the granting of administrative leave time to individuals for the express purpose of participating in an authorized and officially recognized health fitness program. Law Enforcement Assistance Administration Instruction Number I 1460.1(e) (September 30, 1976) for example states:

FITNESS ROOM11 MAR. 1982DAILY AVG. - MEN

MON - 150
TUE - 110
WED - 133
THUR - 130
FRI - 122

WEEKLY AVG. (MEN) - 645

DAILY AVG. - WOMEN

MON - 45
TUE - 38
WED - 31
THUR - 29
FRI - 36

WEEKLY AVG. (WOMEN) - 179

TOTAL WEEKLY USE - 824

REGULAR USERS (3 TIMES A WEEK OR MORE):

MEN - 76

TOTAL - 98

WOMEN - 22

PEAK HOURS - MEN:

MON - 12:30 - 2:00 P.M. - 81
TUE - 11:00 A.M. - 1:00 P.M. - 64
WED - 12:30 - 2:00 P.M. - 67
THUR - 11:00 A.M. - 1:00 P.M. - 59
FRI - 12:30 - 2:00 P.M. - 77

TOTAL - 348
(54%)PEAK HOURS - WOMEN:

MON - 11:00 A.M. - 1:00 P.M. - 27
TUE - 1:00 - 2:00 P.M. - 18
WED - 11:00 A.M. - 1:00 P.M. - 26
THUR - 1:00 - 2:00 P.M. - 22
FRI - 11:00 A.M. - 1:00 P.M. - 28

TOTAL - 121
(68%)

PRIORITY LIST:

1. BANKED INDOOR RUNNING TRACK
2. 10 WORKOUT STATIONS
3. SEPARATE DRESSING & SHOWER ROOMS
4. QUALITY AIR-FLOW SYSTEM
5. INDOOR ATHLETIC EQUIPMENT
6. P.A. SYSTEM W/ MUZAK
7. SEPARATE OFFICE FOR STAFF

NEW BUILDING

PHYSICAL FITNESS CENTER

MEETING AGENDA

OBJECTIVES

- Review Background
- Report Current Status
- Consider Possible Alternatives
- Determine Next Step

BACKGROUND

- Legal Distinction
 - Recreation
 - Physical Fitness
- Past Efforts
- Present Facility
- New Building Plans

POSSIBLE ALTERNATIVES

- No Facility
- Small Facility
- Large Facility
- Gymnasium
- Swimming Pool
- Indoor Track

STAFFING CONSIDERATIONS

Attendant Only

Qualified Instruction

Medically Supervised

FACILITIES

Shower/Locker Room

Individual Exercise

Indoor Track

Competitive Exercise (Handball)

Gymnasium

Sauna - Whirlpool

Swimming Pool

23 July 1981

NOTE FOR: OP Budget & Fiscal Officer

July,

You asked that I give you estimates of needed additional "non-office space" in connection with the planning of the new building. The following are my recommendations for the areas that we discussed.


Barbershop -- No additional space needed.

EAA Store -- Additional 500 sq. ft.

Present space is just adequate for current number of shoppers and storage/stock space is insufficient. If potential customers is sizably increased, present Store could not handle. (Intent is to have one store 500 sq. ft. larger than the present store.)

Fitness Room --

Present space and facilities are not adequate for the number of people who are currently in Headquarters Building and make use of the Fitness Room. Equipment provided is minimal and locker and shower facilities are taxed beyond capacity. In order to accommodate all employees in present Headquarters Building and those who will occupy new building for minimal activities presently provided, an additional 2,000 sq. ft. would be required. If it is intended to provide for a complete fitness facility similar to that incorporated in the new FBI building, a special study should be made to properly address space needs and type of facilities to be provided. In this regard, it should be noted that a former DDCI and former DCI have recommended that such expanded indoor facilities be included in future building plans. The FBI facility includes a full-size basketball gymnasium, handball room, other small rooms with weight lifting and exercise equipment, men's and women's showers and locker rooms, sauna, and whirlpool bath.


Chief, Benefits and Services Division

STAT

13 JAN 1978

MEMORANDUM FOR: Acting Deputy Director for Central Intelligence

VIA: Acting Deputy Director for Administration

FROM: James H. McDonald
Director of Logistics

SUBJECT: Background Information on Proposed CIA
Recreational Facility Construction

REFERENCE: Memo dtd 8 Jul 77 to DCI fm S/Pers,
subject: Facilities for Physical
Conditioning and Recreation
(OL 7 3638)

1. The background information you requested on the proposed CIA recreational facility construction is included as Attachment A for your information.

2. The referent recommended that the project be split into three phases. The first phase, using appropriated funds, provided for a control access gate, an access road, and a parking lot. The second phase provided for a football/soccer field, a softball field, a handball court, and a basketball court. The third phase, to be accomplished at a future unspecified date, provides for a second softball field, four tennis courts, and appropriate lighting for nighttime use of facilities. A drawing indicating the proposed locations of the facilities, the planned phases, and new estimated costs ~~are~~ included as Attachment B. The costs shown for Phase II vary slightly from those cited in the referent but are still within the approved total.

3. Appropriated funds in the amount of \$15,700 were made available to GSA by a work order dated 18 September 1977 for doing the Phase I work. Nonappropriated funds in the amount of \$80,000 are available from EIA for doing the Phase II work. Drawings and specifications for Phase I are now in the hands of GSA for implementation, and drawings, specifications, and contract documents for Phase II construction are in final preparation by the Real Estate and Construction Division (RECD/OL).

OL 8 0154

SUBJECT: Background Information on Proposed CIA
Recreational Facility Construction

4. Tennis courts were not included in the original DCI approval of Phase I and Phase II but rather were deferred to some future date as part of a proposed Phase III construction. We have been advised by the Office of the Comptroller that a statement regarding the construction of modest facilities for the physical health and well being of Agency employees is being included in the Agency's FY-73 Congressional Budget submission and that, if approved during the Congressional Budget process, then the Office of the Comptroller would arrange for the necessary reprogramming to make funds (approximately \$60,000) available for the construction of four tennis courts or other similar facilities. Congressional approval of this statement is particularly important because the Office of General Counsel has previously opined that there are sufficient doubts about the justification for an Agency physical fitness program that appropriated funds should not be used for such facilities unless specific authorization is obtained from Congress or an approval by the Comptroller General is received. Because of these complexities, the appropriation being sought by the Comptroller is by no means assured and another source of funds may be required. One such source is the Central Employee Activities Fund (CEAF) which, with the approval of the ODA, could be used for this purpose. Based on a recent financial report on this fund (included as Attachment 2), it would appear that approximately \$43,000 could be made available still leaving sufficient funds to support average CEAF annual expenses. Since our current estimate for the construction of four tennis courts is approximately \$60,000, at least two courts could be constructed from the funds which may be available from the CEAF.

5. Should we decide to proceed with the construction of the proposed tennis courts, an environmental impact assessment and additional coordination with the National Capital Planning Commission (NCPC) would be required. While we do not anticipate that the environmental assessment would present a problem, it may be that NCPC will require public hearings because of the increase in the scope of the project. We can only determine this through further discussions with NCPC officials and would be glad to do so should

SUBJECT: Background Information on Proposed CIA
Recreational Facility Construction

you desire. As with the other phases of the project, RECD would provide the necessary drawings and specifications for the work which would probably be contracted for by SAA.

6. Please let me know if you require any additional information.

/s/ James H. McDonald

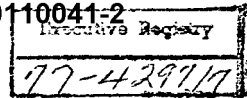
James H. McDonald

Atts

Distribution:

Orig. - Addressee

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BERNIE: DCI APPROVAL

15 JUL 1977

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NOTE FOR: The Director

SUBJECT : Facilities for Physical Conditioning and Recreation

The attached memorandum from the Director of Personnel recommends your approval of both short and long-term plans for physical conditioning and recreation facilities. The recommendations stem from Hank Knoche's efforts, begun last fall, to find a way to upgrade and expand our facilities. I believe he discussed this with you about three weeks ago.

In summary, you are asked to approve the following:

- a. The study at Tab B as a plan for future development;
- b. Use of appropriated funds for walking and jogging trails and for an access gate, gravel road, and small parking lot (\$15,700); this expenditure has the approval of both the General Counsel and the Comptroller;
- c. Use of Central Employee Activities Fund and Employee Activity Association funds for a variety of recreational and physical conditioning facilities, including basketball, volleyball, and handball (paragraph 4c);
- d. Seeking an appropriation for the construction of four tennis courts as part of our health services program;
- e. Seeking future appropriations for the lighting and upgrading of existing facilities;
- f. Inclusion of expanded indoor facilities in future building plans (paragraph 4f).

I recommend you approve the proposals above, which will permit us to go ahead immediately with the indicated facilities. As outlined in paragraph 3i, other methods of expanding our facilities, such as retiree and employee solicitations, are not recommended because they would present additional problems and would result in further delay.

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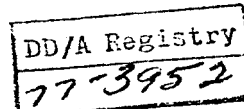
JUL 0 5 1977 John F. Blake

Attachment

ER 77-4297/6

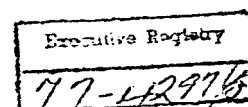
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8 JUL 1977



MEMORANDUM FOR: Director of Central Intelligence

VIA : Office of General Counsel
Deputy Director for Administration
Deputy Director of Central Intelligence



FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Facilities for Physical Conditioning and
Recreation

REFERENCE : A. OP Memorandum 76-6231, dtd 15 Dec 76,
Subject: Survey of Interest in Facilities
for Physical Conditioning, Recreational
and Social Activities (Attached)
B. OL Memorandum, dtd 4 Apr 77, Subject:
Study of External Recreational Facilities
at Headquarters (Attached)
C. OGC Memorandum 77-3706, dtd 10 June 77,
Subject: Use of Appropriated Funds for
Physical Conditioning and Recreational
Facilities (Attached)

1. Action Requested: This memorandum presents recommendations for your consideration with regard to facilities for physical conditioning and recreation.

2. Background:

a. An employee survey was initiated at the request of the DDCI in October 1976 to determine interest in these programs. While the results of the survey did not provide overwhelming support for a multi-purpose recreational building, considerable interest was expressed in physical fitness, exercise and athletic activities that could be provided at the work location (reference A). The results of the survey were reviewed with the DDCI in January 1977 and it was determined that a program of moderate improvements in facilities would be developed for consideration. In view of the magnitude of the project, we have perforce deferred consideration of facilities for buildings other than Headquarters until we have more experience and answers to questions already raised.

ADMINISTRATIVE - INTERNAL USE ONLY

b. It has been determined from previous Office of General Counsel (OGC) reviews that appropriated funds cannot be used for recreational purposes but that they can be used for official physical conditioning programs designed to maintain a level of physical fitness required to perform official duties. The FBI provides a large gymnasium, supervised exercise and a variety of specialized conditioning facilities which were justified during the construction of their new building to provide for physical fitness of their special agent personnel. We have used a similar approach in constructing our Physical Fitness Room, purchasing necessary equipment, providing a physical fitness instructor and installing the indoor running track. In our case we have cited the need for physical conditioning of the DCI Protective Staff and of personnel required to meet the special medical requirements for overseas duty. When considering improvements in the facilities, it is necessary, therefore, to draw a distinction between personal recreation and official physical conditioning in order to determine possible funding sources.

c. Reference B is a planning study prepared by the Real Estate and Construction Division (RECD), OL, presenting recommendations for limited improvements in existing indoor facilities, proposed locations for external facilities and cost estimates. With regard to improving existing indoor facilities, action has already been taken in several areas. Meetings have been held with representatives of Logistics, Medical Services and Personnel to determine needed improvements. The GSA Building Manager was apprised of the importance of the program and this resulted in a complete spring cleaning of the Headquarters Physical Fitness Area, including painting of the walls and woodwork. The asphalt tile floor was replaced to improve the cleanliness and appearance of the Area. A revised cleaning schedule has been established to provide for more frequent and thorough service. Necessary repairs to the indoor running track have been completed. Finally, the Office of Personnel has as a FY 1977 MBO Objective the completion of a fully coordinated review with Medical Services of the operation of the Headquarters and [] Physical Fitness Rooms with a view toward achieving a measurable improvement in the service provided. All of these improvements are being made with appropriated funds as necessary for the official physical conditioning of Agency personnel.

d. With regard to external facilities, a review of all available land adjacent to the Headquarters compound was made. Two areas were identified as best suited for development, one for walking and jogging trails and a second for physical conditioning and recreational activities. The walking and jogging trails would cost approximately \$600 with the only real expense being signs to mark the path and direct participants. It would be entirely within the compound and would require no site preparation (see attachment 5, reference B).

e. There would be considerable site preparation and cost involved in the second area of development which would be for major facilities such as: tennis and basketball courts, fields for softball, football and soccer, and a picnic area. The location is directly behind the Printing Services Building. Complete development of this area, with all of the facilities and lighting included in our plans, would cost about \$160,000. It is recognized that this large sum is not likely to be available and the plans, therefore, indicate the costs of individual components which could be constructed incrementally in a variety of combinations.

f. While official physical conditioning is often thought of as an individual program of exercise and/or running, there are other activities that accomplish the same results. For instance, many individuals prefer to play handball, squash, or basketball regularly in order to maintain a good physical condition. Facilities for this purpose are provided in the official physical fitness areas of other Federal agencies. Other facilities, such as tennis courts, are equally useful for physical conditioning but are frequently omitted because of space limitations. All of these facilities would provide a valuable addition or alternative for Agency employees who have official physical conditioning requirements.

g. The Director of Security has recommended that access to the major facilities area be through the outside fence so that it is not necessary to breach the main perimeter security fence or any security fence adjacent to the West Parking Lot and Printing Services Building. In order to maintain security control of the area and limit public access, it would be necessary to install an Electro Card lock gate with a wooden arm that raises when an appropriate card is inserted in the machine. It is estimated that \$15,100 would be required for an electric gate, gravel road, 20-car parking lot and necessary electric service work. An OGC opinion has been requested as to whether this cost could be funded from appropriated funds since it is essentially a security requirement.

h. New buildings would eventually be constructed in this area if the conceptual master plan for the development of the site were followed. There is no indication at this time that such construction will take place in the near future. The planned buildings would not, in any case, cover the proposed tennis courts or handball court. It is likely that the basketball/volleyball court would be eliminated by building construction. The softball, football and soccer fields would definitely be lost to new buildings.

i. A limited source of non-appropriated funds is available through the Central Employees Activities Fund (CEAF) which is used for the general benefit and morale of Agency personnel. This fund

has been established from excess net profits of self-sustaining activities and net proceeds from the termination and liquidation of assets of such activities. It has been determined that up to \$25,000 could be made available for recreation purposes without unduly jeopardizing the ability of CEAF to satisfy future requirements.

j. The Employee Activity Association (EAA) is another source of non-appropriated funds. After reviewing the RECD planning study the EAA Board of Directors has voted to make available up to \$50,000 for the following facilities that meet the needs of large numbers of active EAA participants, provided that a determination is made that appropriated funds cannot be used for this purpose and provided that the area will be available for this purpose for a reasonable period of time considering the expenditure involved:

<u>Facility</u>	<u>Estimated Cost</u>
Softball	\$ 9,100
Football/Soccer	11,000
Basketball	9,250
Volleyball	350
Handball	5,500
Contingency, maintenance and upkeep	<u>14,800</u>
TOTAL	\$50,000


There are not sufficient EAA funds available at this time to consider tennis courts, a second football field or the lighting of the individual facilities. These are matters which the EAA Board would address in the future if this becomes necessary and desirable and funds become available.

k. There is also the possibility that non-appropriated funds could be raised through the contributions, investment or dues payments of employees and retirees. In the early 1970's NSA surveyed their employees and found only 40 willing to invest as much as \$500 in a multi-purpose club. They were unable to move ahead with their very ambitious plans. Our own employee survey in October 1976 did not provide any clear demonstration of financial support for a particular activity or method of operation. Some employees wanted to include family and guests while others were concerned about maintaining cover. Most had a specific activity that they were particularly interested in and their support likely hinged on the availability of that particular facility.

3. Staff Position:

a. Section 8 of the CIA Act provides that sums made

ADMINISTRATIVE 4. ...


available by appropriation may be expended for health service programs. These services are further defined in Section 7901 of Title 5 as programs to promote and maintain the physical and mental fitness of employees. However, in its most recent opinion on this subject (reference C) OGC indicates that there are sufficient doubts about the justification for an Agency physical fitness program that appropriated funds should not be used for the proposed new facilities unless specific authorization is obtained from Congress or a review by the Comptroller General is requested. 

b. The walking and jogging trails are a necessary adjunct to our present indoor track and Physical Fitness Room. They would provide an alternative for individuals involved in official physical conditioning and should be developed if the estimated cost of \$600 can be paid from appropriated funds; otherwise, CEAF funds should be used.

c. Security is the principal factor involved in requiring that access to the major facilities area be through the outer fence. It is possible that the expenditure of \$15,100 for an electric gate, required electric service, gravel road and 20-car parking lot could be from appropriated funds. In the event appropriated funds cannot be used, CEAF funds should be used for this purpose.

d. Our Headquarters Physical Fitness Area is limited in size and there is no room for expansion. There is a need to provide a broader range of activities and the only way to accomplish this in the foreseeable future is with external facilities. We believe that additional alternatives are necessary to meet official physical conditioning requirements and it is possible the following activities could be paid for from appropriated funds if the Comptroller General agrees or Congressional authorization is obtained:

<u>Activity</u>	<u>Estimated Cost</u>
Tennis - 4 courts	\$50,000
Basketball	9,250
Volleyball	350
Handball	5,500

e. At this time we would have greater difficulty in applying the concept of official physical conditioning to team sports such as football, softball and soccer. While conditioning is certainly involved, there is a somewhat rigid and limited schedule of activity. It is our conclusion that EAA should be permitted to fund the football, softball and soccer fields. If appropriated funds are not available for the basketball, volleyball and handball facilities, EAA should also be permitted to fund these facilities. Careful consideration must be given, however, to the possibility of new building construction in this area in the future. 

ADMINISTRATIVE - INTERNAL USE ONLY

f. We believe that consideration of the lighting for the various areas should be deferred until we have some experience with the use of the facilities. It would also appear that the picnic area is not essential at this time.

g. If some or all of the facilities considered above are constructed, there will be a need for drinking fountains and trash containers. The cost of these is estimated at \$7,560 and it should be provided from appropriated funds if the facilities are similarly funded. If appropriated funds are not available, CEAF funds should be used. While we did not obtain cost estimates on restroom facilities, this would be a limited additional expense.

h. One of the best gymnasiums and physical fitness facilities available in Government buildings is the new FBI Building. They were able to justify their program and commit the needed space during the construction planning stage. While there are no immediate prospects for new building construction for the Agency, this appears to be the only available opportunity to provide for a gymnasium, squash and indoor handball courts, and possibly an indoor swimming pool. We believe that such facilities should be an important part of any future plans for new buildings.

i. The other possible source of financial support would be fund raising from employees or retirees. There are separate problems and considerations in such activities. We would not be able, for instance, to invite retirees to use any of our physical fitness facilities that are provided by appropriated funds since they are intended only for employees. Individuals who made contributions or paid dues would expect certain considerations in terms of use, hours of operation and general administration which might not prove possible or desirable from an Agency management viewpoint. While fund raising remains a possibility, it is believed that we should defer consideration at this time until other alternatives have been fully explored.

j. In summary, an overall plan has been developed which would provide a substantial improvement in facilities for physical conditioning and recreation. Appropriated funds cannot be used for recreation purposes and should not be used for the proposed physical conditioning facilities without further review by the Congress or the Comptroller General. External review will require considerable delay and we cannot predict which facilities could ultimately be provided with appropriated funds. Fund raising would also result in further delays. Since there is a need for additional facilities now, and non-appropriated funds are available from CEAF and EAA, it is our conclusion that this source should be used to get the program moving with specific appropriation requests to follow in order to augment the official physical fitness program.

4. Recommendation: It is recommended that you approve the following course of action:

a. The RECD planning study contained in reference B be approved for use in developing facilities for physical conditioning and recreation.

b. Construction of the following facilities using appropriated funds, for security and physical fitness purposes, if OGC concurs, or CEAF funds as an alternative:

<u>Facilities</u>	<u>Estimated Cost</u>
Walking and Jogging Trails	\$ 600
Electro Card Gate, Road, Parking and Electric Service	<u>15,100</u>
TOTAL	\$15,700

c. Construction of the following recreational and unfunded physical fitness facilities with funds made available from CEAF and EAA:

	<u>Facilities</u>	<u>Estimated Cost</u>	<u>Physical Conditioning</u>	<u>Recreation</u>
CEAF	Drinking Fountains, Trash Containers	\$ <u>7,560</u>	x	
	TOTAL CEAF	\$ 7,560		
EAA	Softball	\$ 9,100		x
	Football/Soccer	11,000		x
	Basketball	9,250	x	
	Volleyball	350	x	
	Handball	5,500	x	
	Contingency, maintenance and upkeep	<u>14,800</u>	x	
	TOTAL EAA	\$50,000		

d. Specific appropriations be requested at the earliest date possible for the construction of four tennis courts at an estimated cost of \$50,000 as a part of our health services program for the physical fitness of employees.

SUBJECT: Facilities for Physical Conditioning and Recreation

e. If appropriations are provided for these facilities, consideration should be given in subsequent appropriation requests to the lighting and upgrading of existing facilities.

f. Inclusion in future building shower room

FROM COMPTROLLER

This Office concurs in the recommendations contained in paragraph 4 with the proviso that the use of appropriated funds for these items set out in sub-paragraph 4(b) be reviewed by the Comptroller to ensure that there is a reasonable relationship between the expenditures and the physical security programs and personnel related services in the congressional budget submission.

STAT

I agree

Comptroller
7/14/77

Deputy Director of Central Intelligence

Date

APPROVED:

[Signature]
Director of Central Intelligence

DISAPPROVED:

Director of Central Intelligence

Date:

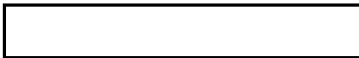
- 8 AUG 1977

* Subject to comments on routing slip.

Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2
SUBJECT: Facilities for Physical Conditioning and Recreation

e. If appropriations are provided for these facilities, consideration should be given in subsequent appropriation requests to the lighting and upgrading of existing facilities.

f. Inclusion in future building plans of a gymnasium, shower room, locker facilities, squash and handball courts, exercise room and indoor swimming pool for official physical fitness purposes.


F. W. M. Janney

Atts

STAT

STAT
CONCUR:

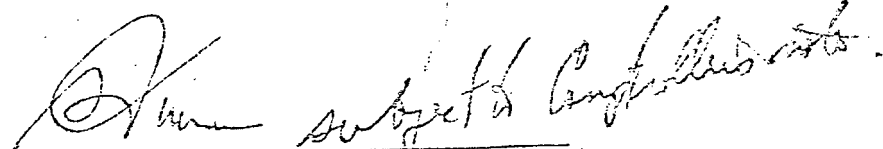

11/1/77
Date

11/1/77
Date

Date

Deputy Director of Central Intelligence

APPROVED:


Director of Central Intelligence

DISAPPROVED:

Director of Central Intelligence

Date:

- 8 AUG 1977

* Subject to comments on routing slip.

ADMINISTRATIVE 8

77-4297/2

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM:

Associate General Counsel

SUBJECT: Use of Appropriated Funds for Physical Conditioning
and Recreational Facilities

REFERENCE: Memo for DDCI, Via DDA, fm D/OP, dtd 9 May 77,
Subj: Facilities for Physical Conditioning and
Recreation

1. This is in response to your request for a review of the legality of spending appropriated funds for certain employee physical conditioning and recreational facilities. Referent memorandum suggests the following expenditures: \$600 for walking and jogging trails; \$15,100 for an electric gate, gravel road and 20-car parking lot; \$50,000 for four tennis courts; \$9,200 for a basketball court; \$350 for a volleyball court; \$5,500 for a handball court; and \$7,550 for drinking fountains and trash containers.

2. Article I, Section 9, Clause 7 of the Constitution, which provides, in pertinent part, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made Law; . . .," imposes a limitation on the disbursing authority of the executive branch unless funds have been duly appropriated by an act of Congress. Cincinnati Soap Co. v. United States, 301 U.S. 308, 321 (1937). By virtue of this provision, Congress has broad discretionary power to prescribe conditions and details attendant to expenditures of appropriated funds. Id at 322. The purposes of an appropriation, as well as "the terms and conditions under which it is made, are matters solely for the Congress and neither the executive nor judicial branches are entitled to interfere or usurp this constitutional authority. Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988; aff'd, 154 F.2d 419 (9th Cir. 1946); see also Hart's Case, 118 U.S. 62 (1886). Accordingly, no Federal officer, including the President, can legally expend funds without, or in a manner inconsistent with, a congressional appropriation. Reeside v. Walker, 52 U.S. 272, 291 (1850).

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3. The basic statute governing the use of appropriated funds is found at 31 U.S.C. 628 which provides:

Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

The thrust of this provision is that inherent in the constitutionally based appropriation process is the understanding that when Congress appropriates funds to the various departments to carry out the functions and responsibilities assigned to each, it does so on the basis of an informed consent regarding the purpose or purposes for which the funds will be spent. Obviously, it is impossible for the Congress to be fully informed on every minor item of expenditure by each department of the Government and accordingly, certain rules of interpretation have grown up within the body of appropriations law, primarily as promulgated by the Comptroller General of the United States. Often he has been called upon to provide opinions on various and sundry expenditures sought to be made under generic, housekeeping or maintenance provisions of appropriations acts and in doing so has tried to find some logical nexus between the proposed expenditure and the purpose of the appropriation. In the absence of such a nexus, the proposed expenditure fails for want of legal authority.

4. The touchstone opinion of the Comptroller General in the area of using generally appropriated funds to provide recreational facilities for employees is found at 18 Comp. Gen. 147, 10 August 1938. In responding to the Secretary of War who wanted to use appropriated funds to provide recreational facilities for a Government workforce which was constructing a project on Midway Island, the Comptroller General held:

While the furnishing of recreational facilities may be highly desirable, particularly in a place such as referred to in your letter, they constitute expenses which are personal to the employees and which are not permitted to be furnished from appropriated funds unless provided in the appropriation either specifically or by necessary implication... In the present case, while it appears that the proposed expenditures would provide recreational and entertainment facilities for the employees, there has been no showing made or even any allegations that such expenditures are really within the purview of the appropriation for rivers and harbors improvements proposed to be used

for the prosecution of the project in question, or that such expenditures are essential in or even reasonably incident to prosecuting the project. Therefore, the question submitted is answered in the negative.

Ten years later, he applied the same reasoning to a question on the availability of appropriated funds to pay the salaries of civilian employees who were to develop, organize and supervise recreational programs for civilian employees of the Navy Department:

It may be stated as a general rule that the use of appropriated funds for objects not specifically set forth in the appropriation act but having a direct connection with and essential to carrying out the purposes for which the funds were appropriated is authorized. However, while recreational and entertainment programs for Federal employees doubtless may be desirable in certain instances, such as referred to in your letter, it would seem that, at most, they have an indirect bearing upon the purposes for which the appropriations were made. Hence, in the absence of a clear expression on the part of the Congress that appropriated funds be used in connection with recreational and entertainment activities for Federal employees, this Office would not be warranted in authorizing such use, notwithstanding the administrative determination of desirability of the matter. Accordingly, your question is answered in the negative. 27 Comp. Gen. 679 (12 May 1948)

This rigid position of the Comptroller General has continued and has been relaxed in only a few instances. Via an unpublished opinion, B-86148, 8 November 1950, he turned down use of appropriated funds for incentive background music at three Navy installations. In another, B-126374, 14 February 1956, citing 18 Comp. Gen. 147, he denied reimbursement to a Department of State officer who had spent \$53.50 to hire a boat and crew for a recreational trip on the Red Sea. A 23 May 1958 opinion, B-135817, directed a certifying officer not to certify a claim for \$17.95 for a volleyball, net and horseshoes purchased by the Forest Service for off-duty use by its employees at a remote site; the certifying officer believed a specific appropriation permitted the expenditure in question, and argued that unless the equipment was provided and the men encouraged to engage in "recreational activity of a wholesome nature," they would become restless

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and sluggish due to inactivity, and this, in turn, would detract from the effectiveness of the Forest Service training. Citing again 18 Comp. Gen. 147, the Comptroller General held that, "at most, the furnishing of such equipment has only an indirect bearing upon the purposes for which the appropriation was made."

5. An example of the required logical nexus suggested previously is found in an opinion where the Comptroller General held that a specific appropriation act, the Mexican-American Treaty Act of 1950 which authorized the construction of a number of items including "recreational facilities for the officers, agents, and employees of the United States," therefore included, by necessary implication, an authorization to purchase playground equipment for the children of said employees. He ruled further, however, that the people who used the recreational facilities should be charged because, in most circumstances, they would be expected to furnish such equipment or facilities at personal expense; he did not require a charge for use of playground equipment. 41 Comp. Gen. 264, 24 October 1961.

6. Those few opinions in which this rigid prohibitive position has been relaxed provide little significant support for the proposed expenditures set out in the first paragraph. In one, where a Federal Aviation Administration appropriation specifically provided for "the construction and furnishing of quarters and related accommodations" in an isolated sector of the Panama Canal Zone, the Comptroller General interpreted the appropriation "as including certain limited recreational facilities such as tennis courts and playground facilities." B-173009, 20 July 1971 [Emphasis added.]. The opinion contained a number of criteria which distinguish it from the general rule. First, there was a specific appropriation which lent itself to the desired interpretation -- the "related accommodations" emphasized above; second, there had been an administrative determination that the absence of recreational facilities adversely impacted on the ability of the FAA to perform its functions at the location; and third, the facts underlying the administrative determination appeared compelling -- the FAA housing sites were isolated and not close to any recreational facilities and the absence of some form of recreation had caused dependent teenagers to turn to narcotics and vandalism and this, in turn, hampered personnel recruitment. The Comptroller General did not believe, however, that "related accommodations" included the construction of a gymnasium.

7. Other departures from the position are as follows: Based on a determination of the Commissioner, Bureau of Public Debt, that "scientifically programed music" would improve employee morale, increase employee productivity and result in savings to the Government, the Comptroller General found that such

Administrative - Internal Use Only
-4-

music was a "necessary expense" and permitted payment of \$61.00 per month to MUZAK, thus reversing B-86148 of 8 November 1950. 51 Comp. Gen. 797, 6 June 1972. He also permitted an expenditure of \$400 for a television set as a "necessary expense" in carrying out the purposes of an EPA appropriation. The television set was to be installed on an EPA boat which plied the waters of the Great Lakes taking water samplings. The opinion noted that the EPA scientists on board were furnished lodging and meals and thus, compensated only \$1.00 per diem and, that commercial lodgings would normally have included a television set. 54 Comp. Gen. 1075, 20 June 1970. As is evident, absent a specific appropriation providing for physical conditioning or recreational facilities or, a clear nexus between Agency functions and physical conditioning and recreating, expenditures for these purposes are generally held to be contrary to law.

9. The first OGC opinion (16 November 1951) on this question was written by Lawrence Houston and supported by a memorandum for the record on the applicable law. Referring to the 1938 Comptroller General opinion cited in paragraph 4, supra, Houston advised:

...The use of funds for this purpose has been denied in spite of the dearth of such facilities at the base, distance from the base to the closest public facilities, or the effect on the morale of employees in the absence of such facilities.

In view of this restrictive interpretation, justification for this Agency to expend funds for this purpose must be based upon unique operations, which could take us out of the purview of the decisions.

* * * *

Fundamentally, the justification for such expenditures is a factual determination for your...[the then DDS]...consideration.

On the basis of this opinion determinations have apparently been made which permitted expenditures of appropriated funds for the physical fitness room and the limited equipment within it. According to a 5 August 1976 memorandum by the Office of Personnel, the physical fitness room was "established in order to provide for the conditioning of employees who have physically demanding official duties and those who are assigned to TDY standby status." That same memorandum asked that "our authority be reconfirmed to assign employees paid from appropriated funds to the EEA Coordinator function...and to the Physical Fitness Room." An OGC opinion dated 14 October 1976 in response to this request

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held that although appropriated funds could not be used for "purely recreational activities" physical fitness activities could be supported by the use of appropriated funds "where such expenditure is essential to the mission for which the funds were appropriated." It concluded that security and personnel requirements justified the continued use of appropriated funds for the EAA Coordinator Function and Physical Fitness Room. Upon reexamination it is our view that opinion stretched our spending authorities close to their outer limits, and it may even be that the opinion should be reconsidered, or at least bolstered by factual determinations which we understand were not made, tying the activities and expenditures in question to the Agency's mission. That is not to say the opinion is in error and indeed there are functional distinctions between a limited Physical Fitness Room and recreational facilities of the type proposed.

FOIAB5

OGC

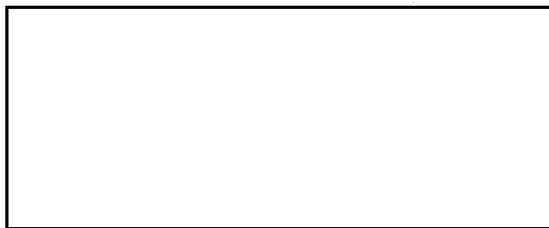
11. In summary, it is the opinion of this Office that arguments cannot fairly be made to justify the expenditure of appropriated funds for the purposes enumerated in referent memorandum. Two courses of action appear open to the Agency at this time. First, request of the Congress a specific authorization

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to expend funds for the proposed purposes or, in the alternative, for the existing limited facility. I am of the opinion that given the modest amounts which are proposed to be expended, conceivably a case could be made which would satisfy the Congress as to the "necessity" for such facilities. A second course open to the Agency is to view this opinion as advisory in nature and prepare an inquiry for review by the Comptroller General using as justification as many of those things which can fairly be said to be supportive of the proposition that the facilities in question are "necessary or essential" to the mission of the Agency. This Office would welcome the opportunity to draft the inquiry to the Comptroller General if you believe that is a proper course to follow and, I would suggest a preliminary informal approach before we commence drafting.

12. This has been a most difficult opinion. Clearly, there is a substantial benefit to be gained by making the proposed facilities available to Agency employees on the compound for use before, during and after work hours, but it is imperative, I believe, to steer the Agency in a course on this question which is legally correct. I am confident that most of the proposed facilities can eventually be constructed either via the appropriation process or the suggested Comptroller General opinion and, the same will have been effected without any possible charge of illegality or impropriety.

13. If I can be of any further assistance, please advise.



STAT

Administrative - Internal Use Only

23 SEP 76

Recreational Facilities Study

1. At the request of the DDCI we have conducted a study of the recreational facilities used by other civilian agencies and the methods by which they acquired them. In the course of our study we visited Agriculture, FBI, Interior, NSA, State and NASA. This memorandum contains a report of our findings.

2. We did not find evidence in any of our discussions of civilian agencies or their employee associations actually providing recreational facilities solely for the relaxation and enjoyment of employees or association members. There were no officers clubs, golf courses, tennis courts or swimming pools operated by these organizations. In most cases provision is made for clubs and teams to be organized and arrangements made for the use of offices for meetings and local community athletic fields, gymnasiums, bowling alleys, etc. for sports activities. The nearest that anyone came to having their own recreational facilities were the extensive plans made at NSA in the early 1970's for a 3 1/2 million dollar building. They were unable to obtain necessary backing from DOD non-appropriated funds and a survey of NSA employees indicated that only 40 were willing to invest \$500 in a share of the facility.

3. The lack of recreational facilities is a result of the legal obstacles involved. When this matter was explored by OP in 1959, OGC provided the following comments:

"In general, the use of appropriated funds for employee organizations, unless expressly authorized in the Appropriation Act, is restricted by 31 USC 628 which provides: 'Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they were respectively made, and for no others.' In a series of decisions the Comptroller General, on the basis of 31 USC 628, has denied the expenditure of funds for the purchase or rental of recreational property or the payment of services relating to recreational supervision. The use of funds for those purposes has been denied in spite of the dearth of such facilities at the employee's base, or the effect on the morale of employees in the absence of such facilities."

These obstacles have been partially overcome in the case of gymnasiums and/or physical fitness rooms which could be considered recreational facilities. Among the six organizations we surveyed only Agriculture did not have either a gymnasium or a physical fitness room. These facilities have generally been justified as being necessary for employees to maintain a level of physical fitness required to perform their official duties. Perhaps the most elaborate of these programs is the one of the FBI which provides a large gymnasium, supervised exercise and a variety of specialized equipment. During the planning of their new building they stressed the need to provide for the physical conditioning of their special agent personnel and they were able to justify the use of considerable space and funds for this purpose. Original plans also included an indoor swimming pool but it was later abandoned.

4. With the use of appropriated funds severely limited, most organizations have had to rely on employee associations to provide recreational opportunities and benefits for their employees. In order to develop non-appropriated funds for such activities the associations have engaged in a wide variety of enterprises. Attached is a copy of a 1974 GAO report on space allocations by Federal agencies to employee associations which details some of these activities. At that time there were about 200 employee associations in 32 agencies which reported over \$34 million in annual gross revenues. These associations were viewed as an important means of enhancing the effectiveness of Federal employees. The thrust of the report was, however, that GSA should develop a uniform policy and guidelines since the use of Federal space and services without charge by revenue-producing associations could be regarded as not being in accordance with the intent of Title V of the Independent Offices Appropriation Act. As a result of the report GSA developed draft policies and procedures which required the payment of fair rental value for a majority of non-Federal activities. This caused considerable concern particularly with regard to cafeterias and the whole matter was eventually turned over to OMB. It is not known at this time whether OMB will issue a policy on this matter or what form it might take.

5. In addition to reimbursement for space, employee associations are being required to assume a majority of their personnel costs. The Audit Staff has questioned our assignment of four Staff employees to EAA related functions and OGC has the matter under consideration at this time. Our justification has been based upon security and cover considerations which necessitate careful guidance and control of these activities. We determined that NSA has already been required to change their Civilian Welfare Fund employees from appropriated to non-appropriated funds. The employee

associations of all the organizations we surveyed either pay the salaries of their employees or rely on the volunteer services of Federal employees who perform part-time duties for the association "on their own time." If EAA is required to follow a similar course, there will have to be drastic changes made because the Association does not generate sufficient income to pay the current staff.

6. With increasing limitations being placed on the earning capacity of employee associations through space and personnel costs, it is highly unlikely that the record of the Kennedy Space Center will ever be equalled. The attached GAO report indicates that in the period 1965-1974 their association was able to invest about \$500,000 from net profits in building a recreation complex of 50 acres. They were able to generate over \$50,000 a year in net profits through vending machine and store sales at the Space Center. The principle source of income for our association is the EAA Store. In CY 1975 the Store had a profit of \$16,151 and EAA's total net gain was \$17,262. Since the EAA Budget for 1976 activities amounted to \$17,421, we are essentially in a position at this time of breaking even. It appears likely that EAA will be hard pressed to maintain its current level of activity if it is required to assume the full burden of space and personnel costs. A substantial new source of income will therefore have to be developed if EAA is to undertake the funding of extensive recreational facilities.

7. It is possible that a limited improvement in existing recreational facilities could be financed from available non-appropriated fund assets. EAA now has about \$65,000 that could be used for the benefit of its members, but as noted above, its reserve could quickly disappear if EAA is to bear all EAA personnel costs. The EAA Board has considered the possible uses of these funds but has deferred action pending final resolution of the space and personnel cost issues.

8. Based upon our survey and the information presented above, it is recommended that the following courses of action be considered:

- a. Include provision for a gymnasium, physical fitness room, locker rooms and a swimming pool in plans for any future buildings to be constructed in the Headquarters complex.

- b. Issue a questionnaire to determine the interests of Agency employees in various recreational facilities.

c. Ask the EAA Board to consider the results of the questionnaire and the most effective and beneficial use of its available resources.

Atts

26-3205
26-3242/4
OO/A
76-5408

2 NOV 1976

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : Review of Authority for Staffing Employee Activity Functions

REFERENCE : OGC Memorandum 76-5673, dtd 14 Oct 76, ^{att}
Same Subject

1. Action Requested: That you approve the continued assignment of employees, paid from appropriated funds, to the Coordinator function of the Employee Activity Association (EAA) and to the physical fitness room.

2. Background: The EAA coordinates various employee club, hobby, self-improvement, and sports activities to ensure that all Agency cover and employee security requirements are met. This is done by two administrative and two clerical employees of the Office of Personnel. The physical fitness room is staffed by one employee of the Office of Personnel who supervises its activities and maintains the exercise equipment. After a review of these activities earlier this year, the Audit Staff, Office of Inspector General, recommended that an opinion be solicited from the General Counsel concerning the legality of assigning to these functions employees who are paid from appropriated funds. The Office of General Counsel has responded (copy attached) that appropriated funds may be used for these purposes based on the unique security requirements of the Agency and the direct relationship between physical fitness and the duties assigned to Agency personnel.

3. Staff Position:

A. The EAA contributes substantially to the morale of Agency employees and offers them, in a secure manner, the programs and activities that are made available to employees of other Federal agencies. The physical fitness room (including the running track) provides exercise facilities for those employees whose duty assignments require the maintenance of

peak physical condition, and at the same time encourages all Agency employees to participate in exercise programs which are beneficial to their health. In the absence of assigned Agency personnel, these programs could no longer be continued.

B. In the legal opinion, the Office of General Counsel noted that administrative determinations have been made on several occasions by Agency officials that the expenses involved in providing these services are necessary for Agency functions and that, although a similar determination by the DCI or DDCI might be helpful in firmly establishing the propriety of the expenditure, such an additional determination is not required. We believe it appropriate to obtain such a determination by the DDCI.

4. Recommendation: That you approve the continued assignment of Agency employees, paid from appropriated funds, to the Coordinator function of EAA, and to the Agency's physical fitness room.

/s/ John F. Blake

John F. Blake

Att

APPROVED: */s/ E. H. Knoche*

4 Nov 76
Date

DISAPPROVED: _____

Distribution:

- 0 - Return to D/Pers thru DDA
- 1 - DDCI
- 1 - ER
- 2 - DDA
- ☒ - D/Pers
- 2 - C/BSD (1 w/held)

Originator: _____

Director of
Personnel

21 OCT 1976

STAT OP/BSD/ jp (27 Oct 76)

OGC 76-5678

14 October 1976

MEMORANDUM FOR: Director of Personnel


STAT FROM :
Office of General Counsel

STAT ATTENTION

SUBJECT : Review of Authority for Staffing Employee
Activity Functions

1. Factual Situation: The Chief of the Audit Staff, Office of Inspector General, recommended in his Report of Audit, dated 5 May 1976, that the Director of Personnel solicit the opinion of General Counsel concerning the Agency's legal authority to assign five employees, paid from appropriated funds, to the EAA coordinator function and the physical fitness room. The staff assigned to the EAA coordinator function consists of two administrative and two clerical employees. It is their duty to coordinate the sports, social and other activities of the EAA in order to ensure that all Agency cover and personnel security requirements are met in employee group relationships with non-Agency persons and organizations. The staff assigned to the physical fitness room consists of only one employee whose duty it is to supervise the activities in the room and to maintain the equipment installed in the room. The Director of Personnel has requested an Opinion of General Counsel reviewing and establishing the legal authority for staffing the above-described employee activities.

2. Issue Presented: May the Director of Personnel legally authorize the assignment of Agency personnel paid from appropriated funds to the EAA coordinator function and the physical fitness room?

3. Conclusion: Yes. Appropriated funds may be used to pay Agency personnel assigned to the EAA coordinator function and the physical fitness room, based upon the unique security requirements of the Agency and the direct relationship between physical fitness and the duties assigned to Agency personnel. 

4. The Use of Appropriated Funds for Purely Recreational Activities: It is provided in 31 U.S.C.A. section 628 that appropriated funds can be used for no other purpose than that for which they were appropriated.

Except as otherwise provided by law, funds appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

This statute has been traditionally interpreted to proscribe the use of appropriated funds for recreational activities. The landmark decision in this regard is found at 18 Comp. Gen. 147 (A-96933, 10 August 1938) in a memorandum to the Secretary of War concerning recreational facilities of Midway Island. There it was stated:

While the furnishing of recreational facilities may be highly desirable, particularly in a place such as referred to in your letter, they constitute expenses which are personal to the employees and which are not permitted to be furnished from appropriated funds unless provided in the appropriation either specifically or by necessary implication. Id. at 147.

See also B-49169 (5 May 1945, unpublished) and B-37344 (14 October 1943, unpublished).

It was subsequently held at 27 Comp. Gen. 679 (B-73234, 12 May 1948) that the prohibition applied to personnel as well as facilities. In that case the Comptroller General refused to permit:

...The employment of personnel, to be paid from appropriated funds, to plan and to administer recreational and entertainment programs. Id. at 681.

It is therefore quite clear that appropriated funds cannot be used for purely recreational activities.

5. The Use of Appropriated Funds for Non-Specified but Essential Activities: Although appropriated funds cannot be used for purely recreational activities, the more modern and enlightened view is that physical fitness activities may be supported through the use of appropriated funds where such expenditure is essential to the mission for which the funds were appropriated. This policy was established in 27 Comp. Gen. 679, supra. That decision, although holding that appropriated funds could not be expended for purely recreational activities, went on to state quite significantly as follows:

It may be stated as a general rule that the use of appropriated funds for objects not specifically set forth in the appropriation act but having a direct connection with and essential to the carrying out of the purposes for which the funds were appropriated is authorized. Id. at 681.

This policy blossomed into full flower in 51 Comp. Gen. 797 (B-86148, 6 June 1972), overruling and reversing B-86148, 8 November 1950. This decision has subsequently been cited with approval in the most recent decisions of 55 Comp. Gen. 307; B-185591 (5 May 1976); and B-130082 (20 July 1976). This decision approved the use of appropriated funds for incentive-type MUZAK music. The decision stated:

Also, it was pointed out that a large number of private industries used incentive music thereby indicating that such firms must have found that the music resulted in increased production and reduced costs. Upon re-examination of our earlier decision we now are inclined to agree that the considerations in that case presented a reasonable basis for the administrative view that expenditures for incentive music constituted 'necessary expenses' under the appropriation there involved. Accordingly, since the Commissioner [Bureau of Public Debt] has determined that--based on factors such as the improvement of employee morale, increased employee productivity and resulting savings to the government--the proposed expenditures constitute 'necessary expenses' of the Bureau, we will not now question such a determination. Id. at 798-9.

If music can be adjudged a necessary expense associated with an appropriation, then most certainly can the EAA coordinator function and the physical fitness room be similarly adjudged.

6. The EAA Coordinator Function and the Physical Fitness Room as Essential to the Mission of the CIA: On several occasions it has been administratively determined within the Agency that the EAA coordinator function and the physical fitness room are necessary to the effective functioning of the CIA. In a Memorandum from General Counsel Lawrence R. Houston to the ADDA, Dated 16 November 1951 and entitled, "Use of Appropriated Funds for Recreational Activities," Mr. Houston stated:

...Justification for this Agency to expend funds for this purpose [recreational equipment or supervision] must be based upon unique operations, which could take us out of the purview of the decisions. Security considerations are the most likely

justification. Another factor supporting such an expenditure would be the need for physical fitness in the particular duties for which the personnel were slated.

A Memorandum from the Director of Personnel Emmett D. Echols to the DDS, dated 16 March 1962, similarly found a need for such facilities.

We have found that security considerations are apt to inhibit many of our employees from normal participation in outside community affairs. The Agency should fill this void by making it possible for people to pursue their interests 'within the family' where security restrictions can be relaxed.

Similar administrative determinations have been made by the Director of Personnel (1976) and the Deputy Director for Support (1967).

In light of the need to justify these expenditures, the following considerations appear to be overriding:

a. Security Considerations--

- (1) The protection of cover for Agency personnel.
- (2) The prevention of identification of Agency personnel.
- (3) The protection of Agency personnel.
- (4) The supervision of outside employee contacts.

b. The need for physical fitness in employees' job performance.

c. The improvement of employee morale.

d. Increased employee productivity and resulting savings to the Government.

e. An administrative determination that the expense is necessary for Agency functions by the Director of Personnel (1976), the Director of Personnel (1962), the Deputy Director for Support (1967), and the General Counsel (1951). Although a similar determination by the DCI or the DDCI might be helpful in firmly establishing the propriety of the expenditure, such an additional determination is not required.

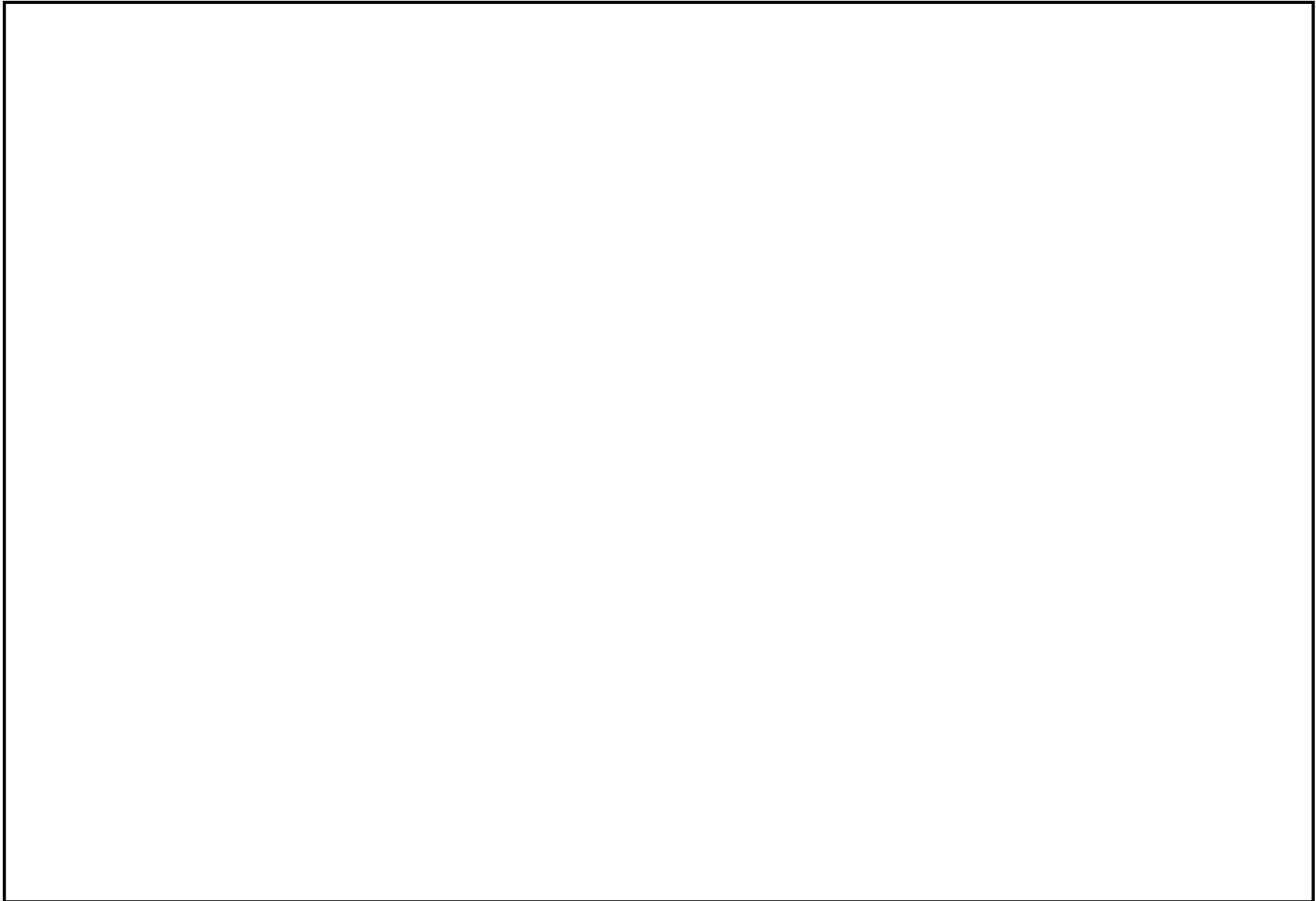
f. A finding that physical fitness, increased employee productivity, and the protection of Agency personnel are directly connected with and essential to the purposes for which Agency funds are appropriated.

g. Provisions for employee security and physical fitness are a necessary implication of the CIA appropriation statutes.

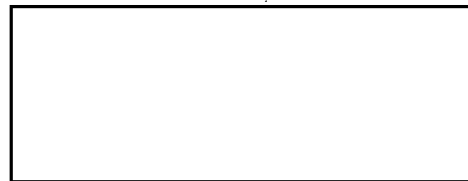
h. Provisions for employee security and physical fitness are a "necessary expense." 51 Comp. Gen. 797.

FOIAB5

OGC



It may therefore be stated that security and personnel requirements require the continued use of appropriated funds for the EAA coordinator function and the physical fitness room.



STAT

PERS

72-1739

Executive Registry

72-6052

21 NOV 72

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Physical Fitness Room - Ames Center Building

1. This memorandum contains a recommendation for your approval; such recommendation is contained in paragraph 6.

2. In view of the emphasis placed on physical fitness by the Director and the recent promulgations of the Office of Medical Services, the Office of Logistics has examined the problems and costs connected with the establishment of a physical fitness room in the basement of the Ames Center Building. Following, as far as possible, the pattern established with the Headquarters physical fitness room, plans have been drawn up for a limited exercise room. While available space will not permit rope climbing or a running track, room is available for chest weights, bicycle exercisers, rowing machine, abdominal board, vibrator, and a universal gym. Included also is supporting equipment such as showers, toilets, washer, dryer, and lockers. As with the Headquarters physical fitness room, a full-time attendant is required to manage and operate this facility.

3. The installation of a physical fitness room in the Ames Center Building is a significant investment in rental property. To protect such an investment, the General Services Administration will probably wish to extend the lease, due to expire in January 1976, before agreeing to the improvements. Such action, however, coincides with current Agency planning and should not present a significant obstacle. One-time investment and continuing yearly operating costs are as follows:

Investment Costs

a. Removal and installation of partitions, walls, lighting, floor covering, painting, air handling, utilities, and equipment installation

\$41,240

b. Shower and toilet area

10,840

ADMINISTRATIVE - INTERNAL USE ONLY

SUBJECT: Physical Fitness Room - Ames Center Building

c. Water cooler, lockers, locker room bench, custodial desk	\$ 7,020
d. Athletic equipment	<u>5,500</u>
ESTIMATED TOTAL	<u>\$64,600</u>

Operating Costs

a. Full-time attendant (GS-07, step 1)	\$ 9,053
b. Equipment maintenance and replacement cost	1,500
c. Yearly space rental (2,032 square feet at \$2.25 per square foot per year)	<u>4,572</u>
ESTIMATED TOTAL	<u>\$15,125</u>

4. In view of the fact that such facilities will be utilized by personnel from all the Directorates located in the Rosslyn area, it is proposed that the one-time investment cost for constructing and equipping the facility be shared on a pro-rata basis among the DD/S, DD/I, and DD/S&T who comprise better than 90 percent of the Agency employees in the area. (Remaining personnel are distributed between the Office of the Director and the DD/P.) A distribution of the cost on this basis is as follows:

<u>Directorates</u>	<u>Percentage</u>	<u>Amount</u>
DD/S	54	\$34,884
DD/I	37	23,902
DD/S&T	<u>9</u>	<u>5,814</u>
TOTALS	100	<u>\$64,600</u>

ADMINISTRATIVE - INTERNAL USE ONLY

SUBJECT: Physical Fitness Room - Ames Center Building

5. Further, it is proposed that the Office of Personnel assume responsibility for the management, operation, and cost of the full-time attendant in a manner consistent with the current practice for the Headquarters Building physical fitness room. As at Headquarters, personnel utilizing the facility will pay a small service charge for towels and other miscellaneous items. These funds will be used to keep a fresh supply of such items on hand. The Office of Logistics would assume the cost of maintenance, equipment replacement, and additional space rental costs in its budget.

6. It is recommended that the above proposal for construction and funding of a physical fitness room in the Ames Center Building be approved with the understanding that funds have not been budgeted for this expenditure and will, therefore, require re-programming of available funds within each Directorate prior to the end of the fiscal year.

for John W. Coffey
Deputy Director
for Support

The recommendation contained in paragraph 6 is approved.

(s/ W. E. Colby

8 DEC 1972

W. E. Colby
Executive Director-Comptroller

Date

Distribution:

- Orig - Return to DD/S
- 1 - Signing Official
- 1 - ER
- 1 - DD/I
- 1 - DD/S&T
- 2 - DD/S
- 1 - D/Log
- ✓ 1 - D/Pers

3 April 1972
BPS/OL

A Cost Projection for an Athletic Facility

1 Example: Gymnasium and Support Facilities

9,118 sq. ft. - Facility - prefabricated structure with brick veneer facia housing 1 standard basketball court with bleachers (portable) seating 35-50 spectators, locker room facilities (men & women). Basketball court serves as playing surface for secondary events, i. e., volleyball, badminton, etc.

Cost/Sq. Ft. in 1958	\$ 26.10
Total Project (1958)	\$ 238,000
Cost Escalated 6%/year to 1972	

** Cost /Sq. Ft. in 1972	\$ 48.02
SAY	\$48.00

** Total Project (1972)	\$ 437,000
SAY	\$ 440,000

PLUS

A&E Fee	\$ 26,000
GSA Costs	45,000
Contingency 10%	51,000
TOTAL PROJECT COST	\$562,000

2 Example: Swimming Facility

8,000 sq. ft. - Facility - prefabricated structure with block veneer facia housing one 25 meter, 6 lane swimming pool (standard) with filtering equipment housed in same structure. Locker room facilities are provided in a separate structure (see Example 1)

Cost/Sq. Ft. in 1958	\$ 20.00
Total Project (1958)	\$160,000
Cost Escalated 6%/year to 1972	

** Cost/Sq. Ft. in 1972	\$36.80
SAY	\$37.00

** Total Project (1972)	\$296,000
SAY	\$300,000

PLUS

A&E Fee	\$ 18,000
GSA Costs	49,000
Contingency 10%	37,000
TOTAL PROJECT COST	\$404,000

Combined Project Costs:

Gymnasium	\$562,000
25 Meter Pool	404,000
TOTAL *	<u>\$966,000</u>

NOTE: See attached sheets for sizes and space requirements

* This figure may be somewhat reduced if both projects are constructed under one contract due to reduced A&E and GSA costs brought about by a larger total contract amount.

** If construction is delayed past 1972, add 10% for every year of delay.

66-689
14 FEB 1966

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Proposed Swimming Pool at Headquarters

1. This memorandum contains a recommendation for your approval; such recommendation is contained in paragraph 6.

2. In recent weeks our engineering staff in Logistics has studied a number of suggestions for the possible construction of a swimming pool in the Langley Headquarters area. Two ideas have been explored in some detail:

- a. a small pool in or near the basement of the Headquarters building.
- b. a large enclosed pool located in an area convenient to the Headquarters building and planned in combination with a gymnasium, or perhaps with a small billeting facility for medical evacuees or other special types of transient personnel.

3. While there are several places in the basement of the Headquarters building where a small pool could be located, the extremely limited space available and the high construction costs in each instance would seem to rule out this idea. Unfortunately, the design of our building did not contemplate the addition of a swimming pool and, consequently, the piers and other supporting structures are located in such a way as to limit the size of any pool in the basement area to not more than 20 feet x 40 feet. Estimated construction costs for the several locations we considered ranged from \$150,000 to \$200,000.

4. A number of sites are available on presently controlled property in the Headquarters area where a large enclosed pool (42' x 82') could be built in combination with a gymnasium or perhaps a small billeting facility. The cost of such a pool alone, including site preparation, would run from \$285,000 to \$405,000 depending on location and, if combined with a gymnasium or transient billet, would range from \$475,000 to \$595,000. Each site we examined involved somewhat different considerations but all embraced one major problem: until our long-range plans for the Headquarters area are completed, picking an outside location for a swimming pool would be extremely difficult because the site chosen could later prove quite disadvantageous.

016-0578-a

ADMINISTRATIVE — INTERNAL USE ONLY

5. As you know, our long-range plans for future construction at Headquarters are now being developed. They will depend, to some extent, upon our acquisition of additional Bureau of Public Roads land adjoining our present property and also, perhaps, our acquisition of the Travers tract, an 11-acre plot east of the access road from Route 123 (and on which a new rezoning application for high-rise apartments was filed recently). Acquisition from these two sources would enable us to work out a comprehensive land-use plan that will provide for most of the Headquarters elements not now at Langley. In connection with this planning, we believe that a swimming pool and gymnasium should be included as an integral part of a future building, perhaps one used for training purposes. In any case, we believe that if a site is to be chosen for a pool, it should be properly related to other key features of our long-range land-use plan.

6. Accordingly, it is recommended that further action on a swimming pool be deferred at this time and that we retain it as an item for consideration in the development of our long-range Headquarters construction plans.



Deputy Director
for Support

The recommendation contained in paragraph 6 is approved.

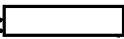

W. F. Raborn

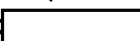
Director of Central Intelligence

Feb 2, 1966
Date

Distribution:

- O - OL/RECD
- 1 - ER
- 2 - DD/S
- 1 - OL files
- 1 - OL/RECD (Official)

OL/RECD:  :vlo (3 Feb 66)

Rewritten: AEO-DD/S:  (10 Feb 66)

ADMINISTRATIVE — INTERNAL USE ONLY

SECRET

22 October 1965

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Executive Committee Meeting - 22 October 1965

E-X-T-R-A-C-T

"1. Before the meeting formally opened the DCI looked at me and stated that he was after John Tietjen to form an association to offer subscriptions for the construction of a swimming pool. He also informed everyone assembled that he was shocked to find that no organization had any statistical data on the benefits to be derived from swimming and preservation of the health of an organization. I said that we were currently working on cost estimates and an examination of possible sites for such an activity.

ILLEGIB

E-X-T-R-A-C-T

s/Alan M. Warfield

Distribution:

- 1 Orig - D/L on 22 Oct 65
- 1 - D/MS on 22 Oct 65
- 2 - DD/S

01 52 11 30 PM '65

SECRET

SECRET

GROUP 1
Excluded from automatic
downgrading and
declassification

SECRET

DD/S 65-0940

Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2

24 February 1965

MEMORANDUM FOR THE FILE

E-X-T-R-A-C-T

STAT "6. Alan Warfield, [] and I met with Mr. Kirkpatrick,
STAT John Warner, and John Clarke to discuss our nebulous ideas about a gymna-
STAT sium and swimming pool. In addition to the three sites which Alan and
[] proposed for consideration, it was suggested that we consider using
part of the South Parking Lot in order to have the gymnasium close to the
Headquarters building. [] and Alan will give some study to this sug-
gestion, which seemed feasible since the new 1,000-car parking lot which
we are going to construct adjacent to the West Parking Lot would more than
compensate for any space we might take away from the existing lot. Kirk
asked John Warner to find out what the FBI is putting in their new building
in the way of a gymnasium. He also asked [] to plan a rifle range in
the building and said that he and John Clarke would feel out the Bureau of
the Budget as well as contacts on the Hill to see whether we have any chance
of getting this through. If so, we will need someone to develop the "Madison
Avenue sales pitch" to put it across, and it was suggested that []
might be the right man to do this. Out of this meeting grew a discussion
about what we intend to do about a Headquarters annex, and I undertook to
prepare a paper showing over what period of time we could amortize an
annex if we receive authority to construct one.. (I asked Alan Warfield
STAT and [] to do this.)"

STAT

STAT

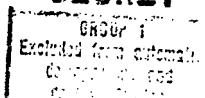
ILLEGIB

E-X-T-R-A-C-T



OL 5 1300

SECRET



Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2

23 FEB 1965

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Proposed Gymnasium and Swimming Pool:
(a) Comparison of Possible Sites
(b) Revised Estimate to Include Railway
and Parking Area
(c) Staffing Pattern

REFERENCE : D/OL memo to DD/S dated 19 Jan '65, subject,
Cost Estimate and Possible Site Location
for Indoor Swimming Pool and Gymnasium

1. In accordance with your request the advantages and disadvantages of three possible sites for subject facility are listed below:

a. Site I - Northeast of the auditorium - In a wooded area approximately midway between the security fence and the property line fence (125 feet from each).

Advantages



ILLEGIB

(2) Topography at this site will permit most economical construction of building, approach road, and parking area.

(3) Nearer to Headquarters building than other sites.

Disadvantages

(1) Cost of utilities (water, sewer and power) would be greater than either Site II or Site III. Also, this site, like Site II would probably require a separate parking plant.

(2) Existing trees would have to be removed to provide area for building and parking lots.

OL 5 1254

SUBJECT: Proposed Gymnasium and Swimming Pool

b. Site II - "Revercomb"

Advantages

(1) Facility could be most inconspicuous from other Agency property.

(2) Topography good for building construction; and minimum trees would have to be removed since site is generally clear; sufficient area for parking.

(3) Water and sewer readily available.

Disadvantages

(1) Close to and visible from private property along Savile Lane.

(2) Power service not readily available and like Site I, a separate heating plant would be necessary.

(3) Access road from main site road to proposed building will require bridge or culvert with extensive earth fill.

ILLEGIB

c. Site III - Just north of proposed Printing Services Building adjacent to west property line.

Advantages

(1) Utility connections will be the most economical of any of the sites.

ILLEGIB

SUBJECT: Proposed Gymnasium and Swimming Pool

Disadvantages

(1) Restricted land area will tend to give a cramped appearance to this part of the property because of the proximity of this facility to the proposed Printing Services Building.

(2) Two buildings located in line with their backs toward and nearly on the property line will tend to create future approaches to the Bureau of Public Works for land acquisition.

(3) The building will be visible from the Agency building as well as the Bureau of Public Works building and property.

(4) Location of the facility on this site will necessitate the removal of almost all screening trees in this part of the Agency property perimeter.

3. We wish to suggest that the following staffing pattern will be a minimum for this facility assuming it will be in operation 12 hours per day:

Athletic Director	2 1/2 men year
Life Guards	" " "
Gear, Locker Attendants,	" " "
Sanitorial & Pool cleaning,	
Mechanical servicing	

Distribution:

Orig. & 1 - Addressee

1 - CL files

(1) - CL/RECD Project Director of Logistics

1 - CL/RECD Chrono

1 - D/L Chrono

CL/RECD/ :new (20 February 1965)

DD/S 65-0398

29 JAN 1965

MEMORANDUM FOR: Acting Director of Logistics

SUBJECT : Cost Estimate and Possible Site Location for
Indoor Swimming Pool and Gymnasium

REFERENCE : Memo dtd 19 Jan 65 to DD/S fm D/L, same subj

1. Confirming our telephone conversation concerning reference memorandum, Colonel White has asked that it be elaborated upon, providing more detailed information as to what facilities could be accommodated within the specifications of the building structures. He specifically mentioned wanting to know whether or not handball courts could be included.

2. In addition, it is requested that a more definitive proposal be made concerning the possible location of the swimming pool and gymnasium and, in this regard, the suggested location or locations should be specified on the Langley headquarters site plan.

3-1-65
1-1-65
4
5
How seen
WLC
H-1-65
JTB

[Redacted Signature Box]

R. L. Bannerman
Assistant Deputy Director
for Support

STAT

OL 5 0682

ADMINISTRATIVE - INTERNAL USE ONLY

19 JAN 1965

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Cost Estimate and Possible Site Location
for Indoor Swimming Pool and Gymnasium

1. A cost estimate for an indoor swimming pool and a gymnasium at the Headquarters area, Langley, Virginia has been prepared. As a guide, the facilities at [] has been used.

2. The gymnasium building would be connected to the pool building and both structures could be of brick or split masonry block walls. The pool would be 42 ft. wide and 82 ft. long, have a maximum depth of 9' 6" and be outfitted with a one meter board. The building surrounding the pool would be 116 ft. long by 60 ft. wide and have an exterior patio of 16 ft. by 116 ft. The gym floor area would be 73 ft. wide by 93 ft. long. The total gymnasium building would be 94 ft. wide and 97 ft. long. In addition to the gym floor area, it could contain a lobby, equipment storage room, men's locker room and showers, and a women's locker and shower room. The estimated cost for such a facility is as follows:

a. Indoor-Swimming Pool	\$150,000
b. Gymnasium (no gym equipment included)	\$250,000
	<hr/>
Total	\$400,000

3. It is suggested that this facility would be sited in an area across the perimeter road opposite or east of the Auditorium. For an alternate location it could be placed on the recently acquired "Government" tract.

[]
Director of Logistics

STAT

Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2

Approved For Release 2003/12/09 : CIA-RDP85-00375R000400110041-2

Assistant Deputy Director/Administration

16 November 1951

(General)

General Counsel

Use of Appropriated Funds for Recreational Facilities

1. In response to your oral request regarding the propriety of using appropriated funds of this Agency for recreational facilities, extensive research on the problem has revealed the following:

2. The Comptroller General has interpreted the provisions of 31 U.S.C. 628 as denying the expenditure of funds for the purchase or rental of recreational property or the payment for services relating to recreational supervision. The use of funds for this purpose has been denied in spite of the dearth of such facilities at the base, distance from the base to the closest public facilities, or the effect on the morale of employees in the absence of such facilities.

3. In view of this restrictive interpretation, justification for this Agency to expend funds for this purpose must be based upon unique operations, which could take us out of the purview of the decisions.

4. Security considerations are the most likely justification. Another factor supporting such an expenditure would be the need for physical fitness in the particular duties for which the personnel were slated. Fundamentally, the justification for such expenditures is a factual determination for your consideration.

5. We are submitting herewith an intra-office memorandum summarizing the present applicable law on this problem.

LAWRENCE R. HOUSTON

GC/LRH:12a

Distribution:

- Orig. & 1 - Add
- 1 - Chrono
- 1 - Subj


Enclosure:

- 1 Memo for Record, dtd 1 Nov 51, above subj.

21 May 1982

MEMORANDUM FOR: Coordinator, Employee Activity Association

FROM:


President EAA Taekwon-do Club

SUBJECT: Release of Allotted Funds

I hereby request that \$100.00 of the funds budgeted for the TKD Club for 1982 be released to me at this time. Funds will be used for the fabrication of a training dummy to be used in self defense training.

STAT

